

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 41 JUDGE RAYMOND CARDENAS
4 RELIGIOUS TECH. CENTER, ET AL.,)
5 PLAINTIFFS,) NO. BC033035
6 -V-)
7 JOSEPH A. YANNY, ET AL.,)
8 DEFENDANTS.)
9 _____

10 REPORTER'S TRANSCRIPT OF PROCEEDINGS
11 WEDNESDAY, OCTOBER 23, 1991

12 PLAINTIFFS:

13 WILLIAM T. DRESCHER
14 ATTORNEY AT LAW
15 23679 CALABASAS ROAD
16 SUITE 338
17 CALABASAS, CALIFORNIA 91320
18 (818) 591-0039

19 DEFENDANTS:

20 LAW OFFICES OF CUMMINS & WHITE
21 BY: BARRY VAN SICKLE
22 865 SOUTH FIGUEROA STREET
23 24TH FLOOR
24 LOS ANGELES, CALIFORNIA 90012
25 (213) 614-1000

26 DEFENDANT:

27 RICHARD WYNNE
28 LAW OFFICES OF CUMMINS & WHITE
29 865 South Figueroa
30 24TH FLOOR
31 LOS ANGELES, CALIFORNIA 90012
32 (213) 614-1000

33 NANCY C. GOODE, CSR 8191
34 111 NORTH HILL STREET
35 ROOM 216
36 LOS ANGELES, CALIFORNIA 90012

COPY

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, OCTOBER 23, 1991

2 9:40 A.M.

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4 DEPARTMENT 41

JUDGE RAYMOND CARDENAS

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6 APPEARANCES: WILLIAM T. DRESCHER, PLAINTIFFS

7 BARRY VAN SICKLE, DEFENDANT

8 RICHARD WYNN, DEFENDANT

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15 THE COURT: NUMBER ONE: RELIGIOUS TECH CENTER VERSUS
16 YANNY, BC033035.

17 YOUR APPEARANCES, PLEASE.

18 MR. DRESCHER: GOOD MORNING, YOUR HONOR. WILLIAM
19 DRESCHER ON BEHALF OF THE MOVING PARTY.

20 MR. VAN SICKLE: BARRY VAN SICKLE ON BEHALF OF
21 DEFENDANT, RESPONDING PARTY, JOSEPH YANNY.

22 MR. WYNN: RICHARD WYNN ALSO ON BEHALF OF DEFENDANT.

23 THE COURT: THIS IS A MOTION BY PLAINTIFF TO SEAL THE
24 RECORD REGARDING THE SETTLEMENT MADE BY GENERAL ARMSTRONG
25 DATED JULY 16TH, '91.

26 MR. VAN SICKLE, I READ YOUR OPPOSITION.

27 APPARENTLY, IT'S CLAIMED THAT THIS AGREEMENT HAS BEEN MADE
28 PUBLIC BY OTHERS, AND THAT'S THE JUSTIFICATION FOR NOT

1 SEALING THIS AGREEMENT; IS THAT IT?

2 MR. VAN SICKLE: IN A NUTSHELL. THE AGREEMENT HAS
3 BEEN MADE PUBLIC IN NUMEROUS WAYS AND NUMEROUS FORMS BY
4 VARIOUS SOURCES.

5 THE COURT: ALTHOUGH IT WAS THE INTENTION, AND I DON'T
6 THINK IT'S DENIED BY ARMSTRONG AND THE PLAINTIFFS, THAT THE
7 AGREEMENT REACHED BETWEEN THEM WOULD BE CONFIDENTIAL; IS
8 THAT RIGHT?

9 MR. VAN SICKLE: WELL, I THINK THAT YOU'D HAVE TO
10 PROBABLY GO INTO SOME EXTENSIVE QUESTIONING OF MR.
11 ARMSTRONG, DECLARATIONS AND THE LIKE, TO FIND OUT WHAT MR.
12 ARMSTRONG'S INTENT AND UNDERSTANDING WAS.

13 IT'S MY UNDERSTANDING -- AND THIS IS BEING ARGUED
14 IN OTHER FORMS -- BUT MY UNDERSTANDING IS THAT
15 MR. ARMSTRONG'S POSITION IS THAT THEY HAVE VIOLATED THIS
16 PARTICULAR AGREEMENT, AND THEY HAVE ATTACKED AND COME AFTER
17 HIM IN VARIOUS WAYS. AND SINCE THEY HAVE VIOLATED, THE
18 AGREEMENT IS NO LONGER BINDING ON HIM. I DON'T REPRESENT
19 MR. ARMSTRONG. THAT'S MY UNDERSTANDING, BELIEF, IT'S NOT
20 BINDING UPON HIM.

21 THE COURT: HE'S NOT EVEN A PARTY IN THIS ACTION?

22 MR. VAN SICKLE: NO.

23 MR. DRESCHER: THE SOURCE OF EACH OF THE FILINGS,
24 EITHER DIRECTLY OR INDIRECTLY, HIS INTENTIONS ARE -- WERE
25 CLEAR ENOUGH, IS THAT A STIPULATION AND ORDER WERE ENTERED
26 AT THE TIME OF THE AGREEMENT, AND FRANKLY, IF A DOCUMENT
27 HAS SIMPLY BEEN RELEASED IMPROPERLY BY ONE OF THE PARTIES
28 OR THROUGH THE ASSISTANCE OF ONE OF THE PARTIES, IT DOESN'T

1 CHANGE THE ORIGINAL CHARACTER AS FOUND BY THE COURT.

2 I THINK THIS IS A DOCUMENT EVERYONE INTENDED TO
3 BE SEALED WHEN IT WAS, AND THE COURT OF APPEALS HAS
4 AFFIRMED THAT. THERE'S ABSOLUTELY NO JUSTIFICATION TO BE
5 FLOATING IN THIS CASE WHEN IT'S BEING PROPERLY SEALED IN
6 OTHER COURTS.

7 THE COURT: MR. WYNN?

8 MR. WYNN: YOUR HONOR, I CAN SPEAK A LITTLE MORE ABOUT
9 WHAT THE INTENTIONS ARE BY MR. ARMSTRONG BECAUSE I WAS
10 PRESENT AT HIS DEPOSITION IN THIS CASE ABOUT 10 DAYS AGO.

11 MR. ARMSTRONG'S POSITION IS INDEED THAT
12 PLAINTIFFS, IN THIS MATTER THE PARTIES TO THE SETTLEMENT
13 AGREEMENT, REACHED THE AGREEMENT WHICH HAS RELEASED HIM
14 FROM ANY NECESSITY OF KEEPING THAT AGREEMENT CONFIDENTIAL.

15 AT THIS TIME, WE WOULD SUBMIT THE SAME DOCUMENT
16 IS AVAILABLE IN THE CORDON (PHONETIC) CASE, AND IT HAS BEEN
17 FOR A PERIOD OF ALMOST 18 MONTHS, AND OPEN TO THE PUBLIC.
18 IT BEEN AVAILABLE IN THE COURT OF APPEALS ALTHOUGH THERE IS
19 A MOTION PENDING.

20 THE COURT OF APPEAL NOTICED -- MADE NOTE OF THE
21 FACT IN THE OPINION THAT'S ATTACHED TO THE MOVING PAPERS
22 THAT THEY'RE GOING TO REQUIRE A MORE PARTICULARIZED SHOWING
23 THAN WHAT THEY DID IN RESEALING THE TRIAL TRANSCRIPT, WHICH
24 IN EFFECT, WAS TO SAY THAT JUDGE GEERNAERT COULDN'T REVERSE
25 WHAT JUDGE BRECKENRIDGE HAD DONE TWO YEARS EARLIER.

26 IN THIS CASE, THE MATTER IS OF PUBLIC RECORD.

27 GIVEN THE FACT THE APPELLATE COURT -- WHETHER THE APPELLATE
28 RECORD WOULD BE SEALED, WE BELIEVE PLAINTIFFS HAVE FAILED

1 TO SHOW THE VERY STRONG SHOWING NECESSARY TO SEAL WHAT
2 OTHERWISE WOULD BE A PUBLIC, ACCESSIBLE RECORD AND WE
3 THINK, IF NOTHING ELSE, THIS COURT SHOULD PUT OFF A
4 DECISION ON THAT UNTIL THE APPELLATE COURT RULES AS TO
5 WHETHER THE APPELLATE RECORD WILL BE SEALED.

6 THE COURT: WITHOUT FURTHER ARGUMENT, THE COURT RULES
7 THAT THE MOTION IS GRANTED. THE COURT WILL NOT ASSIST IN
8 THE BREACH OF WHAT APPEARS TO BE A CONFIDENTIALITY
9 AGREEMENT BETWEEN PLAINTIFFS AND ARMSTRONG, AND DELIVER THE
10 MOTION AS GRANTED.

11 MOVING PARTY GIVE NOTICE.

12 MR. DRESCHER: I WILL. THANK YOU, YOUR HONOR.

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14 (END OF PROCEEDINGS.)

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2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT: 41 HON. RAYMOND CARDENAS

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13 REPORTER'S CERTIFICATE

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15 STATE OF CALIFORNIA)
16 COUNTY OF LOS ANGELES)

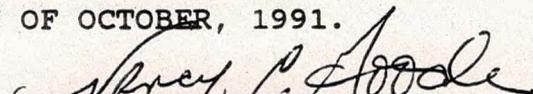
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18 I, NANCY C. GOODE, OFFICIAL REPORTER OF THE SUPERIOR
19 COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS
20 ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 01
21 THROUGH 05, COMPRIZE A FULL, TRUE, AND CORRECT TRANSCRIPT
22 OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON
23 WEDNESDAY, OCTOBER 23, 1991.

24

25 DATED THIS 23RD DAY OF OCTOBER, 1991.

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27 
28 NANCY C. GOODE
CSR 8191

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